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2.44.010 Declaration of policy.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public offices not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals there is established a code of ethics for all officials and employees, whether elected or appointed, paid or unpaid. The purpose of this code of ethics is to establish ethical standards of conduct for all such officials and employees by setting forth those acts or actions which are incompatible with the best interests of the city and by directing the disclosure by such officials and employees of private financial or other interests in matters affecting the city. The provisions and purposes of this code of ethics and such rules and regulations as may be established are declared to be in the best interests of the city and for the protection of the public health, safety and welfare of its citizens.

(Prior code § 2-1.301)

2.44.020 Responsibilities of public office.

Public officials and employees are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the state and to carry out impartially the laws of the nation, the state and the city and thus to foster respect for all government. Public officials and employees are bound to observe in their official acts the highest

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standards of performance and to discharge faithfully the duties of their office, regardless of personal consideration. Recognizing that the public interest must be their primary concern, their conduct in both their official and private affairs should be above reproach.

(Prior code § 2-1.302)

2.44.030 Dedicated service.

- A. All officials and employees of the city owe a duty of loyalty to the political objectives expressed by the electorate and the programs developed by the council to attain those objectives. Appointive officials and employees should adhere to the rules of work and performance established as the standard for their positions by the appropriate authority.
- B. Officials and employees should not exceed their authority or breach the law or ask others to do so and owe a duty to cooperate fully with other public officials and employees, unless prohibited from doing so by law or by the officially recognized confidentiality of their work.

(Prior code § 2-1.303)

2.44.040 Fair and equal treatment.

- A. Interest in Appointments. Canvassing members of the council, directly or indirectly, in consideration or in connection with any appointment to the municipal service shall disqualify the candidate for appointment, except with reference to positions filled by appointment by the council.
- B. Use of Public Property. No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such official or employee in the conduct of official business.
- C. Obligations to Citizens. No official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

(Prior code § 2-1.304)

2.44.050 Conflicts of interest.

No councilmember or other official or employee, whether paid or unpaid, shall engage in any business or transaction or have a financial or personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties in the public interests or would tend to impair his or her independence or judgment or action in the performance of his or her official duties. "Personal", as distinguished from "financial", interest shall include an interest arising from blood or marriage relationships or close business associations.

- A. Reportable Interests. Positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest shall be required to report the specific investments, business positions, interests in real property and sources of income if the business entity in which the investment or business position is held, the interest in real property or the income or source of income may foreseeably be affected materially by any decision made or participated in by the designated employee by virtue of his or her position.
- B. Positions Designated to Report.
 - 1. Positions designated as being required to report financial interests shall include councilmembers, commissioners and designated employees. Designated employees shall

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include the city manager, city attorney, city planner, city engineer, department heads and consultants as determined on a case by case basis by the city manager.

2. The city manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The city manager's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

C. Reporting Schedule.

1. An initial statement shall be filed by each designated employee or position within thirty (30) days after the effective date of the conflict of interest code disclosing investments, business positions and interests in real property held on the effective date of the conflict of interest code and income received during the twelve (12) months before the effective date of the conflict of interest code. Thereafter, each new designated employee or position shall file a statement within thirty (30) days after assuming office disclosing investments, business positions and interests in real property held on and income received during the twelve (12) months before, the date of assuming office or the date of being appointed or nominated, respectively.
2. Each designated employee or position shall file an annual statement by April 1st disclosing reportable investments, business positions, interest in real property and income held or received at any time during the previous calendar year or since the date the designated employee or position took office if during the calendar year.
3. Every designated employee or position who leaves office or employment shall file within thirty (30) days of leaving office a statement disclosing reportable investments, business positions, interests in real property and income held or received at any time during the period between the closing date of the last statement required to be filed and the date of leaving office.

D. Reporting Forms. Reportable interests shall be reported on forms supplied by the city clerk.

E. Requirement Deemed Met by Forms 721 or 730. Designated employees and positions required to report reportable interests shall be deemed to have met the requirement of this section if they currently file Statements of Economic Interests with the Fair Political Practices Commission as required by the Government Code.

F. Specific conflicts of interest are enumerated as follows for the guidance of officials and employees:

1. Incompatible Employment. No councilmember or other official or employee shall engage in or accept private employment or render services for private interest when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgement or action in the performance of his or her official duties.
2. Disclosures of Confidential Information. No councilmember or other official or employee, without proper legal authorization, shall disclose confidential information concerning the property, government or affairs of the city, nor shall he or she use such information to advance the financial or other private interest of himself or herself or others.
3. Gifts and Favors. No councilmember or other official or employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city; nor shall any such official or employee

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accept any gift, favor or thing of value which may tend to influence him or her in the discharge of his or her duties or grant in the discharge of his or her duties any improper favor, service or thing of value.

4. **Representing Private Interests Before City Agencies and Courts.** No councilmember or other official or employee whose salary is paid in whole or in part by the city shall appear in behalf of private interest before any agency of the city. He or she shall not represent private interests in any action or proceeding against the interests of the city in any litigation to which the city is a party. A councilmember may appear before city agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations. No official or employee shall accept a retainer or compensation which is contingent upon a specific action by a city agency.
5. **Contracts With the City.** No councilmember or city official or employee shall have a financial interest in any business transaction or contract with the city or in the sale of real estate, materials, supplies or services to the city, except as permitted in the conflict of interest statutes of the state (Sections 1090 et seq. of the Government Code of the state).
6. **Disclosures of Interest in Legislation.** A councilmember who has a financial or other private interest in any legislation shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

Any other city official or employee who has a financial or other private interest and who participates in discussions with or gives an official opinion to, the council concerning pending legislation, shall disclose on the records of the council or other appropriate authority the nature and extent of such interest.

(Ord. 390, 1992: prior code § 2-1.305)

2.44.060 Political activities.

- A. No appointive official or employee shall orally, by letter or otherwise, solicit or participate in soliciting any assessment, subscription or contribution to any political party during working hours on the premises of any governmental property owned by the city and shall at all times conform to the provisions of the Government Code of the state.
- B. No official or employee, whether elected or appointed, shall promise an appointment to any position with the city as a reward for any political activity.

(Prior code § 2-1.306)

2.44.070 Applicability of code.

When a councilmember or other official or employee has doubt as to the applicability of a provision of this code of ethics to a particular situation, he or she should apply to the council for an advisory opinion and be guided by that opinion when given. Such councilmember or other official or employee shall have the opportunity to present his or her interpretation of the facts at issue and of the applicable provisions of this code of ethics before such advisory decision is made. This code of ethics shall be operative in all instances covered by the provisions of this chapter, except when superseded by applicable statutory provisions or when the application of a statutory provision is discretionary but determined to be more appropriate and desirable.

(Prior code § 2-1.307)

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2.44.080 Ex parte communications.

No official or employee shall encourage, make or accept any ex parte or other unilateral application or communication which excludes the interests of other parties in a matter under consideration when such application or communication is designed to influence the official decision or conduct of the official or other officials, employees or agencies in order to obtain a more favored treatment or special consideration to advance the personal or private interests of himself or herself or others. The purpose of this provision is to guarantee that all interested parties to any matter shall have an equal opportunity to express their interests. Any written ex parte communication received by an official or employee in a matter where all interested parties should have an equal opportunity for a hearing shall be made a part of the record by the recipient.

Any oral ex parte communication received under such conditions should be written down in substance by the recipient and also made a part of the record. A communication concerning only the status of a pending matter shall not be regarded as an ex parte communication.

(Prior code § 2-1.308)

2.44.090 Avoidance of impressions of corruptibility.

Public officials and employees, whether appointed or elected, full time or part-time, paid or unpaid, should conduct their official and private affairs so as not to give a reasonable basis for the impression that any such official or employee can be improperly influenced in the performance of his or her public duties. Such officials or employees should so conduct themselves as to maintain public confidence in their performance of the public trust in the government they represent. They should not be a source of embarrassment to that government and should avoid even the appearance of conflict between their public duties and private interests.

(Prior code § 2-1.309)

2.44.100 Discrimination in appointments.

No person shall be appointed to or removed from or in any way favored or discriminated against with respect to, any appointive administrative office because of the person's race, age, religion, national origin or political affiliation if otherwise qualified for the position or office. This provision shall not be construed to impair administrative discretion in determining the requirements of a position or in a job assignment of a person holding such a position, subject to review by the council.

(Prior code § 2-1.310)

2.44.110 Investments in conflict with official duties.

No councilmember or other official or employee, whether paid or unpaid, shall possess any substantial or controlling investment, direct or indirect, in any financial, business, commercial or other private transaction which creates or may create a conflict with his or her official duties, nor shall he or she invest to such degree in any business regulated or licensed by or doing business with the city in which he or she is employed or be a party to any transaction on which he or she may be called to make a decision in an official capacity, subject only to the exceptions provided in the conflict of interest sections of the Government Code of the state (Sections 1190 et seq.).

(Prior code § 2-1.311)

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2.44.120 Disclosures of income.

An official or employee, whether paid or unpaid, who has a direct financial or other interest in any transaction, the disposition of which may be influenced by the officer's or employee's official position or action, shall disclose all sources of income and the nature and extent of any personal interest in such transaction as an official, agent, member or owner of any business entity or other association which is subject to regulation by the city when such income or interest may represent a substantial conflict of interest with his or her official duties. Such disclosure shall be made on the records of the council or to the appointing authority. Such disclosure may be made periodically at the times designated for all such classes of officials or employees. Such disclosure shall remove any presumption of a conflict of interest for any transaction where the information disclosed is pertinent.

(Prior code § 2-1.312)

2.44.130 Future employment.

It shall be improper for any former officer or employee to appear as a compensated representative at any time before the council or any of its agencies, by which he or she was formerly employed in connection with any case or other matter with which such former officer or employee was duly connected in a policy-making capacity while an officer or employee of the city for six months following the termination of the officer or employee. Such officer or employee may be released from the obligation imposed by this section upon the submission of a written request to the council in advance of his or her proposed appearance and his or her certification that, while an officer or employee of the city, he or she took no action or obtained no information which would prejudice his or her conduct or presentation, either at the time he or she was an officer or employee or at the time of the presentation.

(Prior code § 2-1.313)

2.44.140 Giving testimony.

It shall be the duty of municipal employees to answer questions submitted to them by respectfully constituted authority which questions may reflect upon the employee's fitness for municipal office or employment. If any city officer or employee, after reasonable notice and opportunity to answer, is called upon or requested to give testimony or to produce evidence upon relevant matters pertaining to his or her office or position in connection with any lawful or constitutional inquiry conducted by the council, the Placer County grand jury, any state or federal legislative committee or the Attorney General of the state, such officer or employee, to the best of his or her ability, shall answer such inquiries or shall submit a statement of reasons for the refusal thereof to the council for its consideration. The council, where permitted by law, shall thereafter inform such officer or employee whether or not such officer or employee is required as a condition of continued employment to answer such questions. If the council instructs such officer or employee to answer such questions and the officer or employee continues to refuse to answer the questions thus propounded, such officer or employee shall resign on the request of the council or shall forfeit his or her position at the suit of the city.

Nothing in this provision shall be construed to impair a constitutional civil right.

(Prior code § 2-1.314)

2.44.150 Sanctions.

In addition to any other penalties or remedies provided by law, any violation of this code of ethics shall constitute a cause for suspension, removal from office or employment or other disciplinary action after notice and a hearing conducted by the appropriate appointed authority or, in the case of the council, a majority of the council.

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If a councilmember misses more than one regular or special meeting per month or dismisses himself or herself from a meeting in progress, except for good cause, then disciplinary action may be taken by a majority of the council.

(Prior code § 2-1.315)